



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,390	02/10/2000	Roger K. Brooks	19838-000330US	5106

500 7590 01/14/2005

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/502,390	BROOKS ET AL.	
	Examiner	Art Unit	
	Shawn S An	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The request filed on 11/15/04 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/502,390 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. As per Applicants' instructions as filed on 11/15/04, claims 16, 23, and 32 have been amended.

Note: Applicants are reminded that claims 1-15 are non-elected claims due to restriction election as filed on 5/15/03. Therefore, those claims are considered withdrawn claims. For future amendment(s), the original claims 1-15 should be treated as the withdrawn claims.

Response to Remarks

3. Applicant's arguments with respect to amended claims as above have been carefully considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guetz et al (6,091,777).

Regarding claims 16 and 23, Guetz et al discloses a program product (Fig. 1, col. 11, lines 12-18) and a method for dynamically changing characteristics of an input video stream to meet requirements for a different output video stream, comprising:

obtaining frames of data derived from the input video stream (Fig. 1, NTSC input);

deriving requirements for the output video stream, including an encoding format for the output video stream (col. 10, lines 36-60);

changing characteristics of the frames of data in response to the respective requirement of the output video stream, to provide different characteristics for each output video stream (col. 11, lines 1-11), including different (adjusted) bit rates that correspond to both multiple different client device capabilities (client users) and (transmission) channel conditions (abs., col. 6, lines 7-25);

respectively, encoding characteristic changed frames of data to form each of the plurality of output video streams (compressed video streams, implying sequential) (Fig. 1; col. 5, lines 1-5); and

at a web streamer (col. 1, lines 13-17; col. 8, lines 9-21; col. 10, lines 23-35) selecting multiple output video streams to send to corresponding multiple client devices, and which correspond to capabilities of such client devices, including selection of output video streams having the different bit rates that correspond to both multiple different client device capabilities and channel conditions (Note: implying sequential processing) (abs., col. 6, lines 7-25).

Guetz et al does not specifically disclose a server performing the above underlined claim limitations.

However, Guetz et al does disclose the web streamer for providing video data streams from stored video clips at a server (col. 1, lines 38-40).

Therefore, it would have been quite obvious to a person of ordinary skill in the relevant art employing a method for dynamically changing characteristics of an input video stream as taught by Guetz et al to correlate the teaching of the web streamer for

providing video data streams at the server so as to select multiple output video streams to send to corresponding multiple client devices, and which correspond to capabilities of such client devices, including server selection of output video streams having the different bit rates that correspond to both multiple different client device capabilities and channel conditions to meet the requirements for a plurality of different output video streams, and to provide real-time playback of different video formats to a plurality of clients/users.

Regarding claims 17 and 24, Guetz et al discloses changing spatial resolution used by the frames of data in response to the spatial resolution requirement (col. 4, lines 59-62).

Regarding claims 18 and 25, Guetz et al discloses subsampling the frames of data (col. 11, lines 1-11).

Regarding claims 19-20 and 26-27, Guetz et al discloses changing color bandwidth comprises changing a bit depth of the frames of data to any bit depth (col. 10, lines 61-67; col. 11, lines 1-11).

Regarding claims 21-22 and 28-29, Guetz et al discloses changing (eliminating) frame rate of the frames of data in response to the frame rate requirements (col. 11, lines 1-18).

Regarding claim 30, Guetz et al discloses increasing spatial resolution used by the frames of data if such conditions permit (col. 3, lines 28-34).

Regarding claim 31, Guetz et al discloses changing spatial bandwidth used by the frames differently for each session corresponding to each output video stream and based on different formats for respective output video streams (abs.).

Regarding claim 32, Guetz et al discloses adjusting the frame rate of the output compressed data stream so that the output data stream becomes commensurate with the available bandwidth of the transmission channel, and adjusting further based on the receiver resource capabilities of the client users (abs.).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art to simply reduce frame rate differently for each output video stream based on encoding formats or increase the frame rates of at least some of the output video

streams in response to changes in both the client device characteristics and channel conditions that permit frame rate increase so that the output data stream becomes commensurate with the available bandwidth of the transmission channel.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S An* whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).

7. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

1/11/05